

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**ASTELLAS INSTITUTE FOR
REGENERATIVE MEDICINE, and
STEM CELL & REGENERATIVE
MEDICINE INTERNATIONAL,
INC.,**

Plaintiffs,

v.

**IMSTEM BIOTECHNOLOGY,
INC., XIAOFANG WANG, and
REN-HE XU,**

Defendants.

Civil Action No. 1:17-cv-12239-ADB

Hon. Allison D. Burroughs

PLAINTIFFS' ASSENTED-TO MOTION TO MODIFY SCHEDULING ORDER

Pursuant to Rule 16.1(g) of the Local Rules of the United States District Court for the District of Massachusetts, Plaintiffs Astellas Institute for Regenerative Medicine (“Astellas”) and Stem Cell & Regenerative Medicine International, Inc. (“SCRMI”) (collectively “Plaintiffs”) hereby move to modify the current Scheduling Order entered in this case (ECF No. 50-1; 51) to extend the close of fact discovery by eight weeks and adjust the subsequent deadlines accordingly. Defendants ImStem Biotechnology, Inc. (“ImStem”), Xiaofang Wang, and Ren-He Xu (collectively, “Defendants”) assent to this motion.

This is a patent inventorship dispute under 35 U.S.C. § 256, with additional state law claims under Massachusetts state tort law and Massachusetts General Laws c. 93A, §§ 1 and 11. The dispute involves highly technical matters relating to patented mesenchymal stem cell inventions.

The Court previously granted an Assented-To Motion to Modify the Scheduling Order on February 12, 2019, which extended the deadlines by eight weeks (ECF No. 51). Since that time, the parties have served and responded to document requests, served and responded to interrogatories and requests for production, and both parties have produced documents. However, the parties have been unable to schedule or taken fact depositions due to ongoing disputes regarding document production.

Fact discovery is currently scheduled to end on May 3, 2019 (ECF No. 50-1; 51). Despite the parties' diligent efforts, the parties need more time than originally anticipated to properly conduct depositions of fact witnesses. Due to the nature of discovery required in this highly technical dispute, Plaintiffs hereby request that the Court extend the deadline for the close of fact discovery by eight weeks to June 28, 2019 and adjust the subsequent deadlines accordingly. Plaintiffs do not, however, request any change to the current date for the status conference set by the Court.

Plaintiffs respectfully request an extension of the current deadlines to the following, and a proposed order reflecting the modified schedule is attached hereto as Exhibit A.

Event	Current Deadline	Revised Deadline
Close of fact discovery	May 3, 2019	June 28, 2019
Expert disclosures	June 7, 2019	August 2, 2019
Rebuttal reports	July 12, 2019	September 6, 2019
Expert depositions	August 2, 2019	September 27, 2019
Status conference	May 14, 2019	May 14, 2019 (No change)

Date: May 2, 2019

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*Counsel for Plaintiff Stem Cell & Regenerative
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LOCAL RULE 7.1 CERTIFICATION

I, Charles Sanders, counsel for Astellas, hereby certify that we have conferred with counsel for ImStem, Xiaofang Wang, and Ren-He Xu and they have assented to this motion.

Date: May 2, 2019

/s/ Charles H. Sanders
Charles H. Sanders (BBO 646740)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Date: May 2, 2019

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